

IPW



PATENT

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant: Boris Mayer )  
Serial No.: 10/820,688 )  
Filed: April 8, 2004 )  
For: METHOD FOR )  
TRANSPORTING POSTAL )  
DELIVERIES AND A DEVICE FOR )  
STORING POSTAL DELIVERIES )  
Group Art Unit: To be assigned )  
Examiner: To be assigned )

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

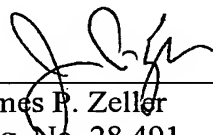
Sir:

Enclosed is an English language translation of the international preliminary  
examination report for PCT/DE02/03757.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

May 12, 2004

By:   
James P. Zeller  
Reg. No. 28,491  
Attorneys for Applicants

6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300

Translation

## PATENT COOPERATION TREATY

PCT/DE2002/003757



## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ACDPA5147PWO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2002/003757	International filing date (day/month/year) 07 October 2002 (07.10.2002)	Priority date (day/month/year) 09 October 2001 (09.10.2001)
International Patent Classification (IPC) or national classification and IPC B07C 3/08		
Applicant DEUTSCHE POST AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 7 sheets.

## 3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 24 March 2003 (24.03.2003)	Date of completion of this report 10 December 2003 (10.12.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2002/003757

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages 3-9, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages 1,1b,2, filed with the letter of 09 July 2003 (09.07.2003)
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages 1-13, filed with the letter of 18 November 2003 (18.11.2003)
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. 14-19
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

## 2. Citations and explanations

## 1 Independent method claim 1

- 1.1 Publication DE-A-44 35 155 (D1) relates to an electronic parcel compartment system which is normally supplied via a method for transporting postal shipments that involves the following steps:
- determining whether a postal shipment is intended for an electronic parcel compartment system;
  - determining whether more than one postal shipment is to be delivered to the same parcel compartment system;
  - placing the designated postal shipments into appropriate transport containers for the destined respective parcel compartment systems;
  - transporting the specific transport containers to the electronic parcel compartment system;
  - distributing the postal shipments to different parcel compartments of the electronic parcel compartment system.

D1 mentions explicitly that the transport of the parcels to the compartments of the parcel compartment system is computer-controlled (column 3, lines 8-33).

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- 1.1 Independent claim 1 differs therefore from the searched prior art in that the transport of the transport containers to the electronic parcel compartment system is remote-controlled or controlled by a computer system for at least part of the route and is carried out at least in part in a tunnel system.
- 1.2 None of the publications cited in the search report suggests such a procedure to a person skilled in the art.
- 1.3 Claim 1 therefore meets the requirements of PCT Article 33(2) and (3) since its subject matter is novel and involves an inventive step.
2. Dependent claims 2-9
- 2.1 These dependent claims contain embodiments of the subject matter of claim 1 and are therefore likewise novel and involve an inventive step.
- 3 Independent device claim 10
- 3.1 GB-A-2 358 432 (D3) describes a device for transporting postal shipments, the device having an electronic parcel compartment system and means for identifying an identification code of the postal shipments.
- 3.2 Independent claim 10 differs therefore from the known prior art in that the device is connected to the stop of a transport system for the automatic or remote-controlled transport of transport containers

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and has supply means able to transport the postal shipments from the stop to the electronic parcel compartment system.

3.3 These additional features are not known from any of the publications and are not in any way obvious to a person skilled in the art.

3.4 Claim 10 therefore also meets the requirements of PCT Article 33(2) and (3), since its subject matter is novel and involves an inventive step.

4 Dependent claims 11-13

4.1 These claims contain embodiments of the subject matter of claim 10 and are therefore likewise novel and involve an inventive step.

5 Industrial applicability

5.1 The subject matter of the claims is also clearly industrially applicable (PCT Article 33(4)).